

Commissioner Meeting
June 5, 2012

Present: Al Logsdon, David Gogel, Mickey Toler, Chuck Painter, Attorney Jeff Lindsey,
Auditor Jane Lynam

Meeting was called to order by President David Gogel at 8:16 A.M.

Minutes

Toler made a motion to approve the minutes from April 3, 2012, Logsdon seconded the motion, motion was approved.

Claims

Logsdon questioned the claims that were to be paid from fund 209 (911), he felt they should have been bid out. Lindsey pointed out that they were under \$25,000 . and would have only needed a quote. Gogel said the claim was for separate invoices, they were just all put on one claim. He thought they were alright to be paid as they were. Logsdon said at the very least the Commissioners should have been notified that this amount of money was being spent. After much discussion Logsdon made a motion to approve all claims, Toler seconded the motion, motion approved.

County Road 700 E

Ben Hartwig came before the Commissioners asking that something be done with county road 700 E. He explained that he was building a new home on county road 700 E and it is not being maintained by the county. He had done research and could find nothing where it had ever been vacated; he had also spoken to Chuck Painter and was told that the county did not maintain it and hadn't for many years. Taking all this into consideration Hartwig presented three options to the county for their consideration.

1. County can gravel road to his driveway, which is about 250 feet and abandon from there to the south where the road picks up.
2. County can gravel road about 89 feet and abandon from there.
3. Or, abandon the road completely beginning at County Road 1200 and give Hartwig a new address.

Number 3 is the option preferred by Hartwig, which would cost the county nothing. Logsdon asked Painter what his recommendation would be. Painter said his recommendation would be to close that section, the county does not maintain it and hasn't for some time. Lindsey explained that he would have to do a formal petition, adjoining land owners have to be notified, it has to be advertised as part of the process. Logsdon made a motion to vacate county road 700 E to the south property line of Hartwig property. Toler seconded the motion, motion passed. Lindsey pointed out that the county is still responsible until all the legal work is formalized.

Highway Report

Painter has met with INDOT concerning the work they are doing on New Bethel Road (CR 350N) to the junction of Highway 231. Lutring Brothers are replacing culverts and EB Paving is doing the asphalt work. The state wants the county to waive the unofficial detour if the work takes more than five days. Logsdon made a motion to comply with the states request. Toler seconded the motion, motion passed. Logsdon told Painter to be sure that they let Ken Shourds Equipment know what they are doing; and to please make sure this message is relayed to the state. After further discussion Logsdon amended his motion to a 14 day time limit for the wavier of the unofficial detour. Toler seconded the motion, motion passed. The Commissioners felt it would be to their advantage to work with the state in hopes that the state would reciprocate.

Lindsey will put together a presentation for Painter and Lloyd to present to the State. Logsdon suggested they get with Rusty Fowler and make sure they get everything in writing.

Logsdon felt there were some discrepancies in the different districts on the CEDIT roads since Lloyd wasn't present he made a motion to table it until the June 19th meeting. Toler seconded the motion, motion passed.

Painter expressed the need for more mechanics at the garage, at the present time they have two and one of them is getting ready to retire, which will leave them with one. Toler said he was working on an ad to go into the paper to hire another mechanic.

Toler asked about County Road 312 W, whether Painter knew anything about it yet. Painter responded that the county does own it, but does not maintain it. They have to go through paperwork at the State level to add it to their inventory. Toler made a motion to have 1100 feet of County Road 312 W added to the county road inventory. Logsdon seconded the motion, motion passed.

Engineer Report

Lloyd was on vacation so no engineer report was presented.

Legal Report

Lindsey presented the Nepotism Resolution, he recommended that in order for the Commissioners to read over it any action be postponed until the June 19th meeting.

Other Business

Mike Cummings from Region 15 let the Commissioners know that their application for St. Meinrad Utilities had hit a snag. The bank cannot loan them the anticipated amount as they can only lend a certain amount to any one entity. Because of this their funding sources will have to change meaning the application may need to be amended and it is due Friday June 8th. Cummings asked that they, Commissioner President and the Auditor be given the authority to sign the revision of the application. Logsdon made a motion to give Gogel and Lynam the authority to sign the revision. Toler seconded the motion, motion passed.

EMA

Al Perdue needed the Commissioners to sign off on the EMPG grant, this is where the State reimburses salaries.

Perdue stated that Owensboro had been in contact with him concerning closing a section of River Road for practice and the actual Air Show scheduled for August 24th and 25th. Commissioners will look into this and further discuss at a later date.

Perdue further explained that Bill Rymes from FEMA had contacted him concerning the EOC grant, they are granting an extension of one year, and possibly another nine months past that if a project is in the works. The grant is for one million dollars toward an EOC building. The county would have to come up with a 25% grant match. Discussion was that the expenses incurred by the county for Universal Design could be used toward their match. Commissioners asked Perdue to get some figures together, approach both boards and see what they work out.

Community Corrections

The Commissioners needed to review and accept or decline the Board Members for Community Corrections. Logsdon made a motion to accept, Toler seconded the motion, motion passed.

Conflict of Interest

Conflict of interest for Ken Schaaf. Logsdon made a motion to accept the conflict of interest on behalf of Ken Schaaf. Toler seconded the motion, motion passed.

ECK MUNDY

Eck Mundy had recommended adding more memory to the server in hopes of taking care of some of the problems being encountered in the Auditors Office and the Assessors Office. Toler made a motion to add more memory and pay for it out of Courthouse Maintenance. Logsdon seconded the motion, motion passed.

Logsdon made a motion to adjourn, Toler seconded the motion, motion passed. Meeting was adjourned at 10:17 A.M.

President
Attest

Jane Lynam, Auditor

Commissioners Meeting
June 19, 2012

Present: David Gogel, Al Logsdon, Chuck Painter, Tara Lloyd, Attorney Jeff Lindsey, Auditor Jane Lynam

Meeting was called to order by the Chairman David Gogel at 1:00 P.M.

Minutes

Gogel had corrections that needed to be made to the April 18, 2012 minutes: first page third line from the bottom the amount needed to be \$80,000.; second page, second paragraph, strike for the year only. With these corrections Logsdon made a motion to approve the minutes as amended, Gogel seconded the motion, motion passed.

Claims

The claim was from Rainy Day Fund for work on the Anderson River. Logsdon stated that the work had been completed and the claim should be paid. Logsdon made a motion to approve the claim, Gogel seconded the motion, motion passed.

CRS claim that was tabled from the last meeting was discussed. Lindsey explained that this was a bill on an individual from early in 2011; the bill had been submitted and resubmitted and never taken care of. The letter from CRS indicates they will honor the adjusted payment and reimburse Spencer County for the difference shown. The difference is \$6,166. that needs to be paid, and then CRS will reimburse that exact amount. Gogel asked if this was because this individual went over the \$10,000 insurance deductible. Lindsey responded that this was correct, and once CRS receives this payment they will expedite the reimbursement from the insurance company. Logsdon said before we do anything he would like to know if St. Mary's was every paid. Lynam told the Commissioners that she had called St. Mary's and left a message but no one had returned the call. Logsdon stated that since he would be at St. Mary's the following day, he would check on the matter if he could. Logsdon then made a motion to pay CRS if he found out the claim had been paid at St. Mary's. Gogel seconded the motion, motion passed. Logsdon will notify the Auditors' Office as to what he finds out.

Highway Report

Painter said he had walked the site at Troy Refinery and there was no way a backhoe would be able to take out the trees. They have mowed some and are hauling in dirt today and stockpiling it at the site. we will probably have to get somebody with a small dozer to take out the trees. Logsdon told Painter to get an estimate from a contractor on what it would cost to remove the trees that ATC want removed and to have them lay out what they want done. Gogel said at the end of this process the contractor keeps track of all the in-kind and we reimburse the highway fund from the sale of the property. Logsdon asked if there were enough large trees that Leiberling Brothers would be interested in clearing it for the trees. Painter said he would talk to them about it and see if they are interested. Lindsey said we would need to get an estimate as to what the trees would be worth.

Logsdon explained that we (Logsdon, Painter, Lloyd and Lynam) had met with ATC and Elliott Englert and he had led us through the process of meeting our in-kind expenses for cleaning up Parcel A. That same afternoon he went to the Region 15 office and they had a phone conference with the lady in Chicago who was responsible for explaining to us why we were not selected for the \$200,000 grant on Parcel C; they were looking for reasons to deny us the grant, not award us the grant. Region 15 could have presented a stronger picture of the potential contamination of drinking water. They never once mentioned that the Ohio River is used as a source of water for Owensboro, Evansville and other communities down stream. There were several scenarios, that if the picture had been painted differently she said they might have seen the grant application in a more positive light. Later this year, in the fall, Region 15 wants to resubmit the application at no cost to us.

On Parcel A to get in-kind reimbursement we have to submit to them a log ; they will honor any time we spend on that grant as in-kind.

Engineer Report

Lloyd reported that she is working on specifications to keep contractors putting down the kind of road we want put down. If we make them more stringent it will increase the cost. She felt that this decision should be made by the Commissioners, not her. Changes that she has made will be reflected in the bids that are being turned in today.

First change is in the actual bid form, a line item has been added at the bottom for Asphalt Testing in the amount of \$500.00. This was to let the contractor know that when the road goes down, if we feel it is questionable it will be tested and the contractor will pay for it. If it looks great and we don't test it they don't pay it.

Second change added provision for the temperature of asphalt, contractor responsible for recording the temperature of each truck load and supplying the Engineer with a daily report verifying the temperature. Minimum temperature is per INDOT specs for 2012.

Third change was for the Contractor to submit design mix formula to Engineer for approval prior to starting the job.

Fourth change would be the amount of recyclable materials allowed in the mix, INDOT specs can allow up to 40%. Contractors Lloyd had spoken to said they use 25%. If we use a maximum of 25% recycled materials the cost would not change. If we would go to 15% it would be an increase of \$3.60 per ton or the difference of \$15,000 for a two mile stretch of road. If we go with no recyclable material the cost would increase \$7.30 per ton making a difference of \$36,000 for a two mile stretch of road. Lloyd felt this should be the Commissioners decision, not hers since it could potentially add to the overall cost. There was discussion of the pros and cons of warm mix versus hot mix. Logsdon said he felt it should be discussed further before we write specs for another bid.

Lloyd passed out a 2012 CEDIT plan, at the top of the page were Phase I projects that have already been approved. She explained that at the bottom of the page were the Phase II projects with the addition of one that's on there now are current Commissioners District Roads that are chip and seal roads that are in need of major work, they need an asphalt base surface put over the top of them, if not they need to be turned back into gravel. We talked about adding them under the CEDIT plan to get the hot mix base and then we will apply chip and seal surface over the top of it this year if time allows. If not, next year at the beginning of the season. So what needs to be done is approve the Phase II plan or make additions or corrections. Logsdon stated that Lloyds' proposal for Phase II makes each of the three districts fairly equal; \$444,344 for district 2, \$446,907 for district 1, and \$475,052 for district 3 we are treating all three districts equally here, if this passes I propose that we challenge you next year to look at which of the 3 districts needs the most improvement in the roads due to terrain. Logsdon said he would expect this to be district three and to budget accordingly this would be for the betterment of the county. Gogel stated he agreed because a report that Lloyd had presented earlier stated that 51% of roads in district 1 were chip and seal or black top, 48% in district 2, 41% in district 3. Gogel said he would concur with Logsdon that next year we need to push hard to spend more money in district 3 to get that 41% up to the other districts. Logsdon said he would concur with everything Gogel had said and challenged Lloyd to come back with a proposal to catch district 3 up in the next 2 years. Logsdon then commended Lloyd on all the work she did on bringing the report to them as they had requested and keeping them in the loop as to what was going on. Logsdon then made a motion to approve the Phase II report on 2012 CEDIT projects. Gogel seconded the motion, motion passed. Lloyd explained that the roads on the Phase II plan needed to be added to the CEDIT Plan. Logsdon then amended the motion to approve the Phase II proposal and make all roads included in that proposal CEDIT Roads. Gogel seconded the motion, motion passed.

Huffman Mill Improvements

Southern Eckerty Construction and Quality Craft Construction had both submitted quotes for painting Huffman Mill Bridge .

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| 1. <i>Southern Eckerty Construction</i> | <i>\$12,740.00</i> |
| 2. <i>Quality Craft Construction</i> | <i>\$ 8,049.14</i> |

Logsdon made a motion to accept the bid of Quality Craft Construction to paint Huffman Mill Bridge, all four sides, for \$8,049.14. Gogel seconded the motion, motion passed. Lloyd will check with the Historical Society to make sure they are doing everything correctly.

Burn Ban

Dean Bolen from the Leader asked if the Commissioners had considered enacting a burn ban for the county. Gogel said he had spoken to the EMA director and the fire chief representative and no one seemed to think it was urgent. Logsdon said he felt that this needed to be discussed a little further, because with no rain and the winds we have been having we are definitely getting closer to a burn ban. Since the conditions are so favorable for a burn ban Logsdon made a motion to grant the President of the Commissioners in consultation with the EMA Director the authority to initiate a county wide burn ban if appropriate to do so. Gogel seconded the motion, motion passed. The question was asked about fireworks and Logsdon responded that if we are going to initiate a burn ban it would only make sense to initiate a fireworks ban, although the burn ban will only affect unincorporated areas.

John Hargis

John Hargis was attending on behalf of the City of Rockport, they are doing a wastewater project and part of that project is a storm sewer. Since it is over \$25,000 they have to have a Common Construction Wage Committee and one of the appointments has to come from the Commissioners. The appointee has to be a taxpayer who pays the tax that will be the funding source for the project. Logsdon asked Hargis if as the City Attorney he had a recommendation for them to consider. Hargis responded that Joe Gripenstroh said he would take the position. Logsdon made a motion to appoint Joe Gripenstroh to the Rockport Common Construction Wage Committee. Gogel seconded the motion, motion approved.

Legal Report

Lindsey brought up the smoking ban that takes effect July 1, 2012. Signs on the doors must state that smoking is prohibited within eight feet of this entrance. Logsdon stated we need to place signs at all public places of employment; Courthouse, Community Corrections, Prosecutors Office, Solid Waste, Highway Garage, Dumpster sites, any place of employment, each public entrance.

The next issue Lindsey had was the Nepotism Ordinance, he stated that the Ordinance prepared by Kent Irwin is a very reasonable approach and establishes a policy. He recommended adopting this ordinance.

Logsdon made a motion to adopt Ordinance 2012-08, an ordinance amending the County of Spencer Indiana Personnel Handbook dealing specifically with the Nepotism policy regarding employment matters and matters relating to county contracts. Gogel seconded the motion, motion passed. Lindsey stated he had a brief update, he had sent a letter to the state but had received no response yet.

Logsdon asked about the e-mails received concerning county road 290 S, what kind of answer can we give those people. Painter pointed out that this was Tolers' district and it would have to be his decision as to whether they had funds to do anything.

Bid Openings

Bid openings for County Road 450 W, Engineer estimate on the job \$228,896. Four bids were turned in bidders were required to turn in a letter of local preference, all bids had the letter included, bids were:

1. **Gohmann Asphalt** **\$244,626.**
2. **E & B Paving** **\$217,850.**
3. **Metzger Construction** **\$255,422.50**
4. **J.H. Rudolph** **\$211,780.55**

Logsdon made a motion to let the Engineer take the bids under advisement. Gogel seconded the motion, motion passed.

Kevin DeWeese

Kevin presented a packet to the Commissioners to let them know that on August 11 he will be opening a small farm winery on an approximately 20 acre site, this location is at the junction of County Road 200 W and County Road 400 N. This is three miles (3) off of Highway 66, and four (4) miles off of Highway 231. He has acquired all the permits that are required and is a member on the Hoosier Wine Trail. His plans are to produce 50% of his produce and buy the rest locally. Logsdon asked what he wanted the county to do. DeWeese answered that County Road 200 W is the concern, if they could put some type of hard surface down that would be great. His plans are to try different ideas to bring more business into the county. Ferman Yearby Jr and Tom Utter both spoke on DeWeeses' behalf, both said it was an asset to the county and anything the county could do to help him along would be greatly appreciated, as they thought the winery would be an asset to the county. Gogel explained that this was in Tolers' district and they would need to discuss it with him, but they would check into it and see what they could do. Logsdon suggested that Toler, Painter, Lloyd meet with DeWeese and see what they could come up with and get back to them. Gogel and Logsdon both thanked DeWeese for his detailed presentation.

Bids

Lloyd had checked all the bids and everything was in order with J.H.Rudolph being the low bidder at \$211,780.55. Lloyd recommended accepting the bid from J.H.Rudolph. Based on the Engineers recommendation Logsdon made a motion to award the contract for paving County Road 450W from State Road 66 to County Road 300N to J.H.Rudolph for the amount of \$211,780.55. Gogel seconded the motion, motion passed.

Theresa Cail-Amending Ordinance

Cail explained that the Plan Commission is asking for an Ordinance Amendment on their Subdivision Exemption page

Exempt Division I

A division of land into lots or parcels of one (1) acre or more with a minimum of one hundred feet (100') of road frontage, served by a county or other participating jurisdiction maintained, dedicated right-of-way and not involving a new street. A minimum of one-third (1/3) of said 100' of road frontage shall abutt the parcel being split from the mother tract.

Cail explained that the present problem was 100' road frontage that narrowed down to 5', if this becomes recorded we are going to have an ingress/ egress problem; and that is what they are trying to avoid. Lindsey felt that the language could possibly cause a problem concerning abutting. He felt there should be further language to clarify the footage numbers. Logsdon asked if since Lindsey questioned the language it would be best to table the matter until the Commissioners legal counsel and the Plan Commission legal counsel could meet and try to work out a solution. Gogel seconded the motion, motion passed.

Other Business

Gogel asked for volunteers to work on budgets; Logsdon said he would gladly work with the other two Commissioners on the budgets. July 5th at noon was the date set for the budget workshop.

Gay Ann Harney was present to let the Commissioners know that the Election Board had met and requested a change of polling place for Ohio precincts 4, 5 & 6 from South Spencer High School to the Ohio Township Trustees new office. Logsdon asked what would happen if we had a heavy rain and that building flooded like it did once before, what would the back-up plan be? Harney explained that they had the right to designate another polling place if something like that happened and they would just go back to the school. Logsdon made a motion to approve the relocation of voting centers for Ohio precincts 4, 5, & 6 from South Spencer High School to the Ohio Township Trustees Office which is located in the old Stock Chevrolet building. Gogel seconded the motion, motion passed.

Lloyd let the Commissioners know that she had spoken to J.H. Rudolph, E&B paving, and Metzger and there would be no negative impact for us to require only hot mix asphalt in our specifications. She

asked if the Commissioners wanted her to go ahead and add this to the specs for the next bid. Logsdon said for her to check with Gohmann and see if it would affect them in their bids. Lloyd said she would speak with Don Franks at Gohmann and if he gave her the same feed- back, that hot mix would not negatively affect their price, she would add that spec in the future. Lloyd then asked the Commissioners what they wanted to do about the recyclable materials being added to the mix, she presented the numbers to them earlier and wanted to know what their wishes were. Gogel said he felt we should hold it to the 25% recyclable materials, if we have trouble we can do something about it at a later date.

Scott Meadors presented an update on the radio tower, he said the tower at Chrisney is up and running, they are getting ready to switch all communications over and will get the 180' tower down and move it.

Gudorf has picked up the generator at Chrisney and will go over it and make sure that everything is operating correctly. Meadors stated that we need a fence around the tower site in St. Meinrad, and he will get some quotes to present to the Commissioners.

Logsdon said he felt a letter needed to be sent to Harmonic Electronics to let them know they are not to set foot on the property at St. Meinrad until we know what is going on with the merchandise the Sheriff purchased. A copy of that letter needs to go to the Sheriff and he needs to attend the next Commissioners meeting to explain exactly what is going on. Gogel said he agreed, we need to know what is going on with that merchandise. Logsdon stated he wanted the letter to go out as soon as possible. Gogel and Lynam will coordinate with Attorney Lindsey and get the letter taken care of.

Logsdon wanted to thank Scott Meadors again for all the work he had preformed through the grant to save the county a tremendous amount of money.

Logsdon made a motion to adjourn, Gogel seconded the motion, motion passed. Meeting was adjourned at 4:15 P.M.

President

Attest
